

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LINNE ROSE, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

BEHR PROCESS CORP., BEHR PAINT
CORP., MASCO CORP., THE HOME
DEPOT, INC., and HOME DEPOT U.S.A.,
INC.,

Defendants.

NO. 2:17-cv-01754-MJP

STATUS REPORT

Pursuant to the Court's Order of May 30, 2018 (see Order (Dkt. #47) at 6), the Defendants Masco Corporation, Behr Process Corporation and Behr Paint Corp. ("Behr") respectfully submit the following status report:

1. As the Court may recall, this litigation is one of numerous cases filed around the country pertaining to the DeckOver resurfacing product that Plaintiff alleges is manufactured, marketed and/or sold by Defendants. See Compl. (Dkt. #1) at ¶¶ 1-4.
2. As previously reported, Behr advised in late 2017 that it had reached a settlement in principle with respect to the substantive relief in a nationwide class action settlement with plaintiffs in three actions before other district courts, contingent upon finalizing a

mutually agreeable, written settlement agreement and of course, preliminary and final approval. See Stipulated Motion And Order To Stay Case (Dkt. #46) at 2.

3. On May 3, 2018 a motion for preliminary approval of a class action settlement was filed in the case of Bishop et al. v. Behr et al., Case No. 1:17-cv-04464 (N.D. Ill.) that Behr believes would, if granted final approval, resolve all claims made in the above captioned action against all Defendants. See Mot. for Preliminary Approval (Bishop Dkt. #61) at passim; Bishop Settlement (Bishop Dkt. #61-1) at passim.
4. In light of the motion for preliminary approval filed in Bishop, on May 30, 2018 the Court stayed this action and ordered Behr to provide periodic reports on the process of preliminary approval, notice, and final approval. See Order (Dkt. #47) at 6. The Court ordered Behr to file the first report on July 13, 2018, and to file subsequent reports every 60 days thereafter. See id. at 4.
5. On June 27, 2018, Judge Blakey granted the motion for preliminary approval in Bishop. See Min. Entry (Bishop Dkt. #87) at 1. Judge Blakey further ordered that class notice should commence, and that the notice program should include mailed notice, publication notice, and a notice website. See Preliminary Approval Order (Bishop Dkt. #88) at ¶ 8. Judge Blakey further set an opt-out and objection deadline of September 20, 2018 (see id. at ¶¶ 13, 19)), and a Final Approval Hearing date of December 6, 2018 (see Min. Entry (Bishop Dkt. #87) at 1).
6. In light of the preliminary approval of the Bishop settlement and the ongoing notice program associated therewith, Behr believes that the current stay of the case should be maintained through the Final Approval hearing set for December 6, 2018. See disc. supra at ¶ 5; see also Min. Entry (Bishop Dkt. #87) at 1. Behr will file the next status

report on September 11, 2018 and every 60 days thereafter consistent with the Court's Order of May 30, 2018, unless and until the Court orders differently. See Order (Dkt. #47).

7. Counsel for Behr has consulted with counsel for Home Depot and Plaintiff, who have not objected to this Status Report.

Presented this 13th day of July, 2018.

CARNEY BADLEY SPELLMAN, P.S.

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of July, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which caused all CM/ECF participants to be served by electronic means.

DATED this 13th day of July, 2018.

CARNEY BADLEY SPELLMAN, P.S.

By: *s/Andrea Williams*

Andrea Williams, Legal Assistant